

Applicant: Rainer Garger
Application No.: 10/597,424

REMARKS/ARGUMENTS

Claims 1, 3, 5 and 6 are currently pending in this application, as amended. By the present amendment, claim 1 has been amended, and claims 4 and 7 have been canceled. Applicant respectfully submits that no new matter has been introduced into the application by these amendments.

DRAWINGS

In the Action, the drawings were objected to as not showing the features of claim 7. This claim has been canceled. Accordingly, this rejection has been overcome.

CLAIM REJECTIONS – 35 U.S.C. §112

In the Action, claim 5 was rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement and introducing new matter. Specifically, the Action states that the limitation “the single common seam is located along a fold between the inner and outer closure parts,” is not supported by the initial disclosure. Applicant traverses this rejection.

The original disclosure clearly indicates that the parts 13a, 13b can be formed in one piece, see paragraph [0028], and further indicates that they can be connected to the bag wall via a single sealing line. See paragraph [0021], last sentence. The only potential issue is the recitation of “the common seam being located along a fold.” However, this is clearly shown in original Figures, Figures 1 and 3 of which are reproduced with annotations below.

FIG. 1

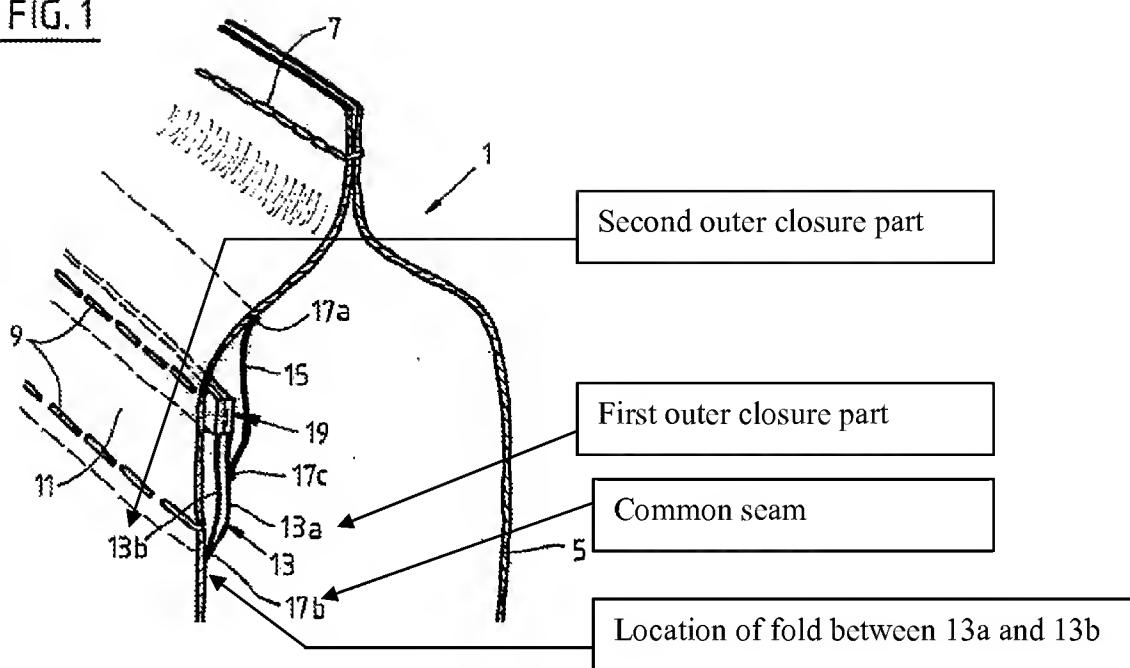
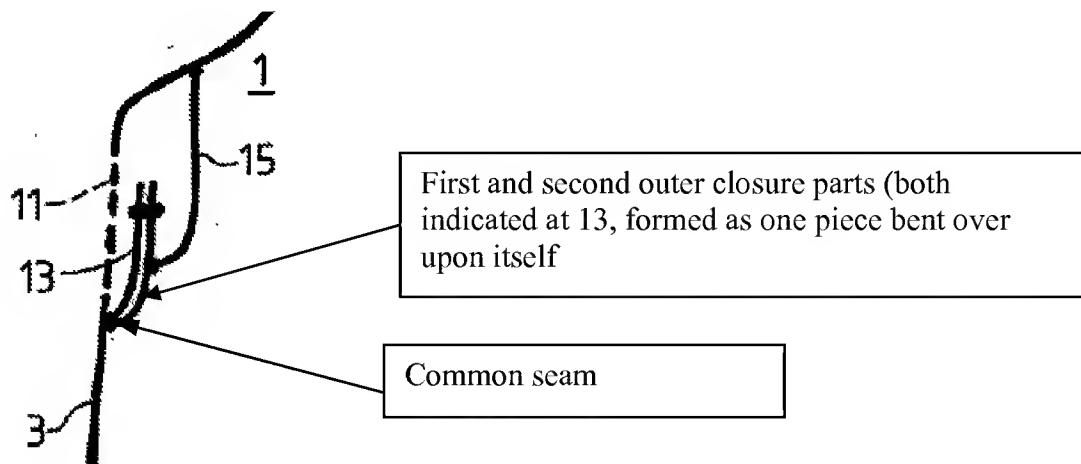


Fig. 3



The term "fold" has the ordinary meaning of "1. to bend (cloth, paper, etc.) over upon itself," Webster's *Encyclopedic Unabridged Dictionary of the English Language*, Gramercy Books (1989). It is clear from the drawings that a fold is

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illustrated between 13a and 13b at the seam 17b when they are formed in one piece, as indicated at paragraph [0028]. Accordingly, this limitation in claim 5 is fully supported by the original disclosure.

In view of this explanation, withdrawal of the section 112 rejection of claim 5 is respectfully requested.

Claims 1 – 7 were also rejected under 35 U.S.C. §112, second paragraph, as indefinite.

With respect to claim 1, the Action raised a question regarding the scope of the term “undetachably.” The definition expressed in the Action of this term being understood to mean “fused or an attachment that is not intended to be pulled apart” is correct, and in view of this, it is believed that this term is sufficiently clearly understood.

As to claim 7, this claim has been canceled and accordingly, the rejection in view of this claim has been rendered moot.

Withdrawal of the section 112 rejection of claims 1 and 3 – 6 is therefore requested.

CLAIM REJECTIONS – 35 U.S.C. §103

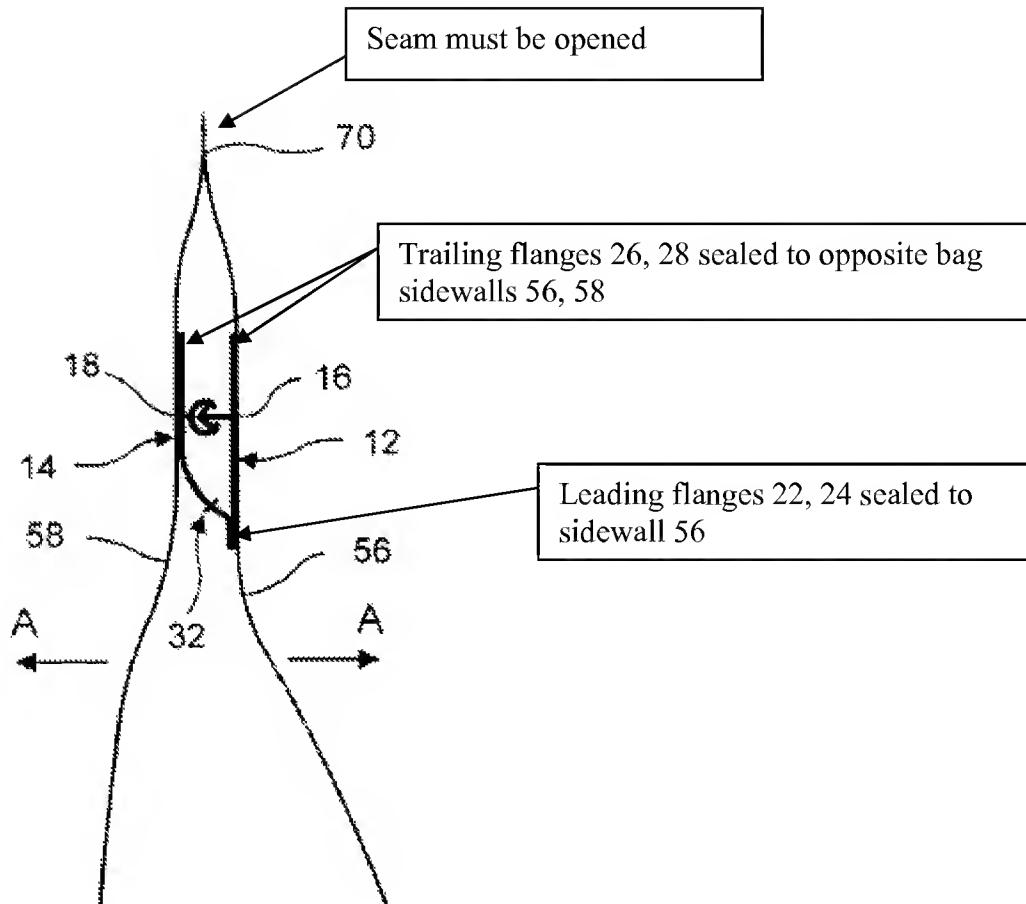
Claims 1 and 3-7 were rejected under 35 U.S.C. §103 as obvious in view of the combination of U.S. 2004/0066990 to Schneider et al. and U.S. 6,115,892 to Malin et al. Applicant respectfully traverses this rejection.

As amended, claim 1 is directed to a re-sealable bag comprising a closure attached in an interior thereof to one of the front or rear walls, with the closure comprising inner and outer closure parts, which have edges at a distance from a connecting or latching area of the closure. The edges are undetectably connected to

the front or the rear wall by a single common seam. A safety strip is located over an opening in the wall above the latching area of the closure. The safety strip is configured so that it can be separated from the wall before an initial opening of the bag for exposing the opening (27). Both of the closure parts are connected to the wall underneath the opening, and a cover sheet is attached to the inner closure part and also to the one of the front or rear walls above and to a side of the opening. The inner closure part (13a) is adapted to be cut after opening re-sealable closure parts (19a, 19b) in the latching area in order to provide initial access into the re-sealable bag(1). This feature provides additional bag security in that re-closeable access is not available immediately upon opening or removing an outer safety strip.

Schneider et al. discloses a similar bag arrangement with a closure. However, as admitted in the Action, it fails to suggest or disclose the inner and outer closure parts having edges that are undetectably connected to the front or the rear wall by a single common seam as recited in claim 1. Further, once the outer package is cut or penetrated at 11 in Fig. 1, there is access to the contents of the bag. While further embodiments provide a separate further inner flange extension (24, 28) for hermetic sealing of the inner part of the bag, these involve a separate part, and not a part of the inner closure part.

Malin et al. is cited as showing undetectable connection of leading flanges (22, 24) that form closure parts to a bag sidewall via a single seam at 38. The trailing flanges (26, 28) that extend from the leading flanges (22, 24) are attached to opposite sidewalls (56, 58) of the bag (see Fig. 10, partially reproduced below). Access to the bag requires the bag seam (70) to be opened, the interlocking members (16, 18) attached to the flanges to be disengaged, and the leading flange 24 is cut.



Malin et al. requires the attachment of the closure arrangement to both bag sidewalls, increasing cost and complexity during manufacture. Leading/trailing flange 22, 26 is attached in two places to sidewall 56, and leading/trailing flange 24, 28 is attached to sidewall 56 at one location and opposing sidewall 58 at another location. If the trailing flanges are not attached at the opposing bag sidewalls, the Malin et al. arrangement would not function. In contrast, the closure parts 13a, 13b of the present invention are attached to one sidewall of the bag by a single seam, and the cover part (15) is also attached to the same sidewall, allowing for easier manufacture since only two seams are required on a single side. Further, the present arrangement provides for easier access through the sidewall at the safety

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strip (11), which has advantages over access through a seam, which can prove difficult in practice if the seam is too tight or too loose.

Neither Malin et al. nor Schneider et al. disclose closure parts (13a, 13b) that are connected to the bag wall only by a single seam, and as this feature is absent from both references, the present claims can not be rendered obvious over this combination. Further, in order to provide the inner security of having to cut through one of the closure parts after opening the resealable closure, all the embodiments of these references require at least 3 heat sealed seams. See Schneider et al. Figs 4 and 6, and Malin et al. Fig. 10.

Based on these differences, claim 1 should be patentable over these references, and withdrawal of the section 103 rejection of claim 1 is respectfully requested.

With respect to claims 3, 5 and 6, these claims depend directly or indirectly from claim 1 and should be similarly patentable for the reasons noted above in connection with claim 1.

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CONCLUSION

If the Examiner believes that any additional minor formal matters need to be addressed in order to place the present application in condition for allowance, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing Amendments and Remarks, Applicant respectfully submits that the present application, including claims 1, 3, 5 and 6, is in condition for allowance, and a Notice to that effect is respectfully requested.

Respectfully submitted,

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